

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	March 4, 2016; 4:40 p.m.; [REDACTED]
Date/Time of COPA Notification:	March 4, 2016; 6:13 p.m.
Involved Officer #1:	[REDACTED], [REDACTED]; star# [REDACTED]; employee ID# [REDACTED]; Date of Appointment: [REDACTED], 2009; Police Officer; Unit of Assignment: [REDACTED], DOB: [REDACTED], 1981; Male; White.
Involved Officer #2:	Unidentified Officer
Involved Individual #1:	[REDACTED], [REDACTED]; [REDACTED], 1995; Male; Black.
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that Officer [REDACTED] punched [REDACTED], in violation of Rule 8.	Exonerated
Unidentified Officers	1. It is alleged that Unidentified Officers punched [REDACTED], in violation of Rule 8. 2. It is alleged that Unidentified Officers kicked [REDACTED], in violation of Rule 8. 3. It is alleged that Unidentified Officers fired a Taser at [REDACTED], in violation of Rule 8. 4. It is alleged that Unidentified Officers planted a gun on [REDACTED], in violation of Rule 2.	Not Sustained Not Sustained Unfounded Not Sustained

II. SUMMARY OF EVIDENCE²

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

Officers [REDACTED], [REDACTED], and [REDACTED] responded to a report of gunshots in the vicinity of [REDACTED]. The involved officers encountered [REDACTED] and attempted to interview him. [REDACTED] avoided the officers and attempted to gain entry to a nearby building. When Officer [REDACTED] approached [REDACTED], [REDACTED] shoved Officer [REDACTED] and attempted to flee. Officer [REDACTED] performed a takedown and attempted to handcuff [REDACTED]. [REDACTED] flailed his arms and legs and attempted to remove an item from inside his vest pocket. Officer [REDACTED] used open and closed hand strikes to gain control of [REDACTED]. Officers [REDACTED], [REDACTED], [REDACTED], and [REDACTED] helped Officer [REDACTED] place [REDACTED] into custody and completed Tactical Response Reports to document the actions they took. The officers also reportedly recovered a gun from [REDACTED]. After complaining of stomach pain, [REDACTED] went to the hospital and was diagnosed with right lower quadrant pain, a closed head injury and facial trauma. [REDACTED] told hospital personnel that multiple officers kicked him and hit him in the face. [REDACTED] failed to cooperate with the investigation. Witness [REDACTED], [REDACTED]'s friend, viewed the incident from the porch next door and alleged that multiple officers punched and kicked [REDACTED] during his arrest. [REDACTED] also alleged that an officer used a Taser on [REDACTED], but there is no indication that a Taser was used in this incident and [REDACTED] did not complain about it to hospital staff. [REDACTED] related that he *and* the officers told [REDACTED] to stop resisting, and he described what he saw as "fighting." [REDACTED] added that he was with [REDACTED] prior to his contact with the police and [REDACTED] did not have a gun.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

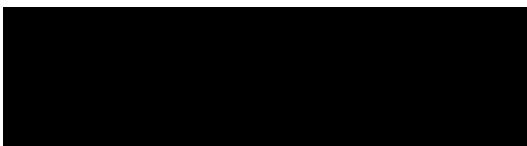
Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a

“degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

[REDACTED] alleged that officers punched and kicked [REDACTED], fired a Taser at him, and planted a gun on [REDACTED]. According to the version of General Order G03-02-02 in effect at the time of this incident, titled “Force Options,” officers can use direct mechanical strikes, including punches, on assailants. Based on [REDACTED]’s description of what he saw, [REDACTED] was an assailant. COPA therefore finds that Officer [REDACTED] was justified in punching [REDACTED] during the struggle to take him into custody. Based on the related CPD reports and medical records, it is clear that no officer discharged a Taser during this incident. Without an account from [REDACTED], however, there is insufficient evidence to prove or disprove the remaining allegations against the Unidentified Officers.

Approved:



March 17, 2019

Date

[REDACTED]
Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Major Case Specialist:	[REDACTED], # [REDACTED]
Supervising Investigator:	[REDACTED], # [REDACTED]
Deputy Chief Administrator:	[REDACTED], # [REDACTED]